

From: [Boyd, Andrew](#)
To: [Connery, Shannon](#)
Subject: FW: UAO for FMC IRODA / FMC FOIA
Date: Friday, June 05, 2015 9:52:35 AM
Attachments: [FMC 2015 Financial Test Statement.pdf](#)

From: Boyd, Andrew
Sent: Wednesday, May 27, 2015 2:17 PM
To: 'Jill Grant'
Cc: Bill Bacon (bbacon@██████████); Kelly Wright (kwright@██████████); susanh@██████████
Virginia Monsisco (vmonsisco@██████████)
Subject: RE: UAO for FMC IRODA

Jill

Apologize for the delay in getting back to you on this.

FMC fulfills its IRODA UAO performance guarantee requirement by demonstration that it meets the financial test. Attached FYI is the most recent financial test certification.

Let me know if you have any questions.

Andy

Andrew Boyd
U.S. EPA, Region 10
Tel: (206) 553-1222
boyd.andrew@epa.gov
SENSITIVE COMMUNICATION INTENDED ONLY
FOR USE OF RECIPIENTS NAMED ABOVE

From: Jill Grant [<mailto:jgrant@jillgrantlaw.com>]
Sent: Wednesday, May 06, 2015 7:30 AM
To: Boyd, Andrew
Cc: Bill Bacon (bbacon@██████████); Kelly Wright (kwright@██████████); susanh@██████████
Virginia Monsisco (vmonsisco@██████████)
Subject: UAO for FMC IRODA

Good morning Andy,

Do you know whether FMC has fulfilled its obligations to provide a performance guarantee pursuant to Paragraphs 67 & 69 of the UAO for the FMC IRODA? Could you let me know, and also let me know which of the methods listed in Paragraph 67 FMC used to provide the

guarantee?

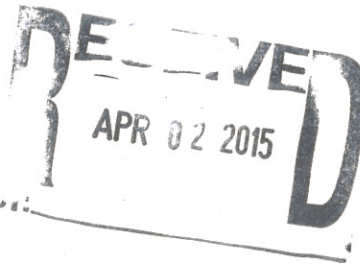
Thanks,

Jill

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FMC Corporation



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Federal Express

March 24, 2015

Dennis J. McLerran
Regional Administrator, Region 10
U.S. Environmental Protection Agency
1200 Sixth Avenue
Seattle, Washington 98101-1128

Re: FMC Operable Unit of the Eastern Michaud Flats Superfund Site
Unilateral Administrative Order for Remedial Design and Remedial Action
EPA Docket No. CERCLA-10-2013-0116
Financial Test to Demonstrate Financial Assurance

Dear Mr. McLerran:

I am the chief financial officer of FMC Corporation, 1735 Market Street, Philadelphia, PA, 19103 ("FMC" or "the Company"). This letter is in support of FMC's use of a financial test to provide the performance guarantee required under the Unilateral Administrative Order (UAO) referenced above. The UAO requires FMC to conduct remedial design and remedial action work at the FMC Operable Unit of the Eastern Michaud Flats Superfund site. Section XIX of the UAO requires that FMC provide a performance guarantee in the amount of \$57.2 million to ensure completion of the work. UAO Paragraphs 67(e) and 69 authorize FMC to provide the performance guarantee through the financial test set forth in the RCRA regulations at 40 C.F.R. §264.143(f) as applied to the UAO remedial action requirements. The information provided below and in the accompanying report from FMC's independent certified public accountant provide the information required under 40 C.F.R. §264.143(f)(3) and the UAO demonstrating that FMC meets the financial test criteria.

1. The dollar amount of financial assurance required by UAO Paragraph 67 and covered by FMC's use of the financial test is \$57,200,000.
2. FMC is a signatory to the following CERCLA settlements (other than the UAO) under which FMC is providing financial assurance to EPA through the use of a financial test. The total dollar amount of such financial assurance covered by a financial test is equal, in the aggregate, to \$37.4 million, and is shown for each such settlement as follows:



| Civil Action / Docket | Site | \$ in Millions |
|-----------------------|--|----------------|
| 5199CV00054 | U.S. EPA Region 3 (Front Royal - OU-7 ROD) | \$ 20.9 |
| 5199CV00054 | U.S. EPA (Front Royal - NTCRA Basins) | \$ 4.6 |
| 5199CV00054 | U.S. EPA (Front Royal - TCRA Bldgs) | \$ 0.3 |
| 5199CV00054 | U.S. EPA Region 3 (Front Royal - NTCRA Bldgs) | \$ 2.6 |
| 5199CV00054 | U.S. EPA Region 3 (Front Royal - Oper Unit 10) | \$ 5.2 |
| 01-CV-2946[KSH] | U.S. EPA, Region 2 (Higgins Disposal) | \$ 3.0 |
| CERCLA-10-2011-0032 | U.S. EPA Region 10 (Gay Mine) | \$ 0.8 |
| | | <u>\$ 37.4</u> |

3. FMC is the owner and/or operator of the following facilities for which FMC has demonstrated financial assurance through a financial test, including but not limited to hazardous waste Treatment, Storage, and Disposal (“TSD”) facilities under 40 CFR parts 264 and 265, Municipal Solid Waste Landfill (“MSWLF”) facilities under 40 CFR part 258, Underground Injection Control (“UIC”) facilities under 40 CFR part 144, Underground Storage Tank (“UST”) facilities under 40 CFR part 280, and Polychlorinated Biphenyl (“PCB”) storage facilities under 40 CFR part 761. The total dollar amount of such financial assurance covered by a financial test is equal, in the aggregate, to \$18.7 million, and is shown for each such facility as follows:

| EPA ID Number | Facility | \$ in Millions |
|---------------|--|----------------|
| MDD0030781875 | FMC Baltimore, MD | \$ 6.2 |
| NCD000771964 | FMC Bessemer City, Lithium Division, Bessemer City, NC | \$ 5.9 |
| WYD0069811404 | FMC Kemmerer, WY former Coke Plant | \$ 1.0 |
| NJD009448432 | FMC Malaga, NJ former Pesticide Formulations Plant | \$ 0.2 |
| CAD009128471 | FMC Richmond, CA Former Pesticide Formulation Plant | \$ 0.3 |
| CAD000629998 | FMC Fresno, CA - Former Pesticide Formulations Plant | \$ 0.7 |
| CAD077184745 | FMC San Jose, CA Former United Defense Test Track Area | \$ 1.3 |
| CAD077184745 | FMC San Jose, CA Former United Defense Central Plant | \$ 3.1 |
| | | <u>\$ 18.7</u> |

FMC is the owner and/or operator of the following facilities for which liability coverage for both sudden and nonsudden accidental occurrences are being demonstrated through the financial test specified in Subpart H of 40 CFR Parts 264 and 265. The annual aggregate liability coverage demonstrated for these facilities is the maximum amount of \$10 million:

| EPA ID Number | Facility | \$ in Millions |
|----------------------|--|----------------|
| NCD000771964 | FMC Bessemer City, Lithium Division, Bessemer City, NC | \$ 2.0 |
| WYD0069811404 40.010 | FMC Kemmerer, WY former Coke Plant | \$ 10.0 |
| NJD009448432 | FMC Malaga, NJ former Pesticide Formulations Plant | \$ 2.0 |

4. FMC guarantees the CERCLA settlement obligations and/or the MSWLF, TSD, UIC, UST, PCB, and/or other facility obligations of the following guaranteed parties. The total dollar amount of such CERCLA settlement and regulated facility obligations so guaranteed is equal, in the aggregate, to \$0 and is shown for each such settlement and/or facility as follows: None.

5. The Company is required to file a Form 10K with the Securities and Exchange Commission ("SEC") for the Company's latest fiscal year.

6. The Company's fiscal year ends on December 31. I hereby certify that the figures for the following items marked with an asterisk are derived from the Company's independently audited, year-end financial statements for its latest completed fiscal year, ended December 31, 2014, and further certify as follows:

A. The aggregate total of the dollar amounts shown in Paragraphs 1 through 4 above equals \$123.3 million.

B. The current rating of the Company's senior unsecured debt is BBB+ as issued by Standard and Poor's and Baa2 as issued by Moody's Investors Service.

*C. Company's tangible net worth equals: \$931.1 million

*D. Company's total assets in the U.S. equal (required only if less than 90% of Company's assets are located in the U.S.): Total Assets in U.S. are less than 90%. Total Assets in U.S. are at least 6 times greater than the aggregate closure costs. Total Long Lived Assets in U.S. are \$987.5 million.

E. Is line C at least 6 times line A? Yes

F. Is line C at least \$10 million? Yes

G. Are at least 90% of Company's assets located in the U.S.? No.
If "No," complete line H.

H. Is line D at least 6 times line A? Yes

I hereby certify that, to the best of my knowledge after thorough investigation, the information contained in this letter is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Mr. Dennis McLerran
FMC OU UAO Financial Assurance
March 24, 2015 – Page 4



Paul Graves
Executive Vice President and Chief Financial Officer

3/24/15
Date

Enclosures (2)

cc (w/ encl):

Charles Ordine, Esq.
EPA Office of Regional Counsel
1200 Sixth Avenue (ORC-158)
Seattle, WA 98118

Kevin Rochlin
Project Coordinator
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-1128